

**S.B. 89 Enrolled**

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**MITIGATION OF INVASIVE SPECIES**

2

2008 GENERAL SESSION

3

STATE OF UTAH

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**Chief Sponsor: Dennis E. Stowell**

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House Sponsor: David Clark

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7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions relating to the mitigation of invasive species.

10 **Highlighted Provisions:**

11 This bill:

12 . authorizes the Department of Agriculture and Food, after consulting  
with the

13 Department of Natural Resources and the Conservation Commission to:

14 . enter into a cooperative agreement with an agency or landowner to  
prevent

15 wildland fire through land restoration;

16 . expend monies and give grants from the Invasive Species  
Mitigation Fund; and

17 . make rules; and

18 . creates the Invasive Species Mitigation Fund, a restricted special  
revenue account.

19 **Monies Appropriated in this Bill:**

20 This bill appropriates \$2,000,000 from the General Fund for fiscal year  
2008-09 to the

21 Invasive Species Mitigation Fund.

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **4-2-8.6**, Utah Code Annotated 1953

27 **4-2-8.7**, Utah Code Annotated 1953

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29 *Be it enacted by the Legislature of the state of Utah:*

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Section 1. Section **4-2-8.6** is enacted to read:

31 **4-2-8.6. Cooperative agreements and grants to prevent wildland fire.**

32 After consulting with the Department of Natural Resources and the  
Conservation

33 Commission, the department may:

34 (1) enter into a cooperative agreement with a state agency, a federal  
agency, or a

35 federal, state, tribal, or private landowner to prevent catastrophic wildland  
fire through land

36 restoration in a watershed that:

37 (a) is impacted by cheatgrass or other invasive species; or

38 (b) has a fuel load that may contribute to a catastrophic wildland fire;

39 (2) expend monies from the Invasive Species Mitigation Fund created in

Section

40 4-2-8.7 ; and

41 (3) in accordance with Title 63, Chapter 46a, Utah Administrative

Rulemaking Act,

42 make rules to:

43 (a) administer this section; and

44 (b) give grants from the Invasive Species Mitigation Fund.

45 Section 2. Section **4-2-8.7** is enacted to read:

46 **4-2-8.7. Invasive Species Mitigation Fund created.**

47 (1) As used in this section, "project" means an undertaking that prevents  
catastrophic

48 wildland fire through land restoration in a watershed that:

49 (a) is impacted by cheatgrass or other invasive species; or

50 (b) has a fuel load that may contribute to a catastrophic wildland fire.

51 (2) (a) There is created a restricted special revenue fund known as the

"Invasive Species

52 Mitigation Fund."

53 (b) The fund shall consist of:

54 (i) money appropriated by the Legislature;

55 (ii) grants from the federal government; and

56 (iii) grants or donations from a person.

57 (3) Any unallocated balance in the fund at the end of the year is  
nonlapsing.

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(4) (a) After consulting with the Department of Natural Resources and the

59 Conservation Commission, the department may expend fund monies:

60 (i) on a project implemented by:

61 (A) the department; or

62 (B) the Conservation Commission; or  
63 (ii) by giving a grant for a project to:  
64 (A) a state agency;  
65 (B) a federal agency; or  
66 (C) a federal, state, tribal, or private landowner.  
67 (b) A grant to a federal landowner must be matched with at least an  
equal amount of  
68 money by the federal landowner.  
69 (c) In expending the fund monies authorized by Subsection (4)(a)(i), the  
department  
70 shall use existing infrastructure and employees to plan and implement the  
project.  
71 (5) In giving a grant, the department shall consider the effectiveness of a  
project in  
72 preventing:  
73 (a) first, the risk to public safety and health from:  
74 (i) air pollution;  
75 (ii) flooding; and  
76 (iii) reduced visibility on a highway;  
77 (b) second, damage to the environment, including:  
78 (i) soil erosion;  
79 (ii) degraded water quality; and  
80 (iii) release of carbon; and  
81 (c) third, damage to:  
82 (i) a local economy; and  
83 (ii) habitat for wildlife or livestock.  
84 **Section 3. Appropriation.**  
85 There is appropriated \$2,000,000 from the General Fund for fiscal year  
2008-09 only to

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86  
the Invasive Species Mitigation Fund.